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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,492	11/21/2001	Hiroaki Shinohara	50P4409.01	3198

7590 07/28/2006

John L. Rogitz, Atty of Record  
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EXAMINER

JONES, HEATHER RAE

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/991,492	SHINOHARA ET AL.	
	Examiner	Art Unit	
	Heather R. Jones	2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 and 08 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamkin et al. (U.S. Patent Application Publication) in view of Gutta (U.S. Patent 6,727,914).

Regarding claim 1, Lamkin et al. discloses a system for providing information related to a recorded program, comprising: a TV (138); and an optical disk player coupled to the TV and including a processor accessing an optical disk engaged with the player and returning recommendations for further viewing based at least partially on at least one viewer preference (Fig. 2), such that the information including recommendations, are personalized to the viewer (paragraph [0063]). However, Lamkin et al. fails to disclose that the information includes recommendations for content other than the content on the optical disk, the information being personalized at least in part based on a viewer's

entertainment preferences as input by the viewer and as inferred from the viewer's past viewing history.

Referring to the Gutta reference, Gutta discloses a system for recommending programs that may be of interest to a particular viewer, based on the past viewing history of a user or according to the viewer's preference towards, or bias against, certain categories of programming, such as action-based programs or sports programming (col. 1, line 35 – col. 2, line 24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the use of recommending programs that may be of interest to a particular viewer, based on the past viewing history of a user or according to the viewer's preference towards, or bias against, certain categories of programming, such as action-based programs or sports programming as taught by Gutta in the optical disk system taught by Lamkin et al. in order to inform viewers about programs of their interest because due to the number of available channels increasing it has become increasingly challenging for viewers to identify programs of interest.

Regarding claim 2, Lamkin et al. discloses all the limitations as previously discussed with respect to claim 1 including that the viewer preference is established at least in part by a disk played on the player, the viewer preference being at least in part a movie genre of which content on the disk is a species (Lamkin et al.: paragraph [0063]; Gutta: Fig. 2).

Regarding claim **3**, Lamkin et al. discloses all the limitations as previously discussed with respect to claims 1 and 2 including that the information and recommendations are presented in a bulletin board screen displayed on the TV (paragraph [0068]).

Regarding claim **4**, Lamkin et al. discloses all the limitations as previously discussed with respect to claims 1-3 including that the system further comprises an input device manipulable to cause the bulletin board screen to be displayed (paragraph [0068]).

Regarding claim **5**, Lamkin et al. discloses all the limitations as previously discussed with respect to claims 1-3 including that the system further comprises a storage accessible to the processor and storing updated bulletin board screens (paragraphs [0035] and [0068]).

Regarding claim **6**, Lamkin et al. discloses all the limitations as previously discussed with respect to claims 1-3 and 5 including that the updated screens are received from a wide area computer network (WAN) (paragraph [0068]).

Regarding claim **7**, Lamkin et al. discloses all the limitations as previously discussed with respect to claims 1-3 and 5 including that the updated screens are received from a DVD (paragraph [0035]).

Regarding claim **8**, Lamkin et al. discloses all the limitations as previously discussed with respect to claims 1-3 and 5 including that when the processor determines that the bulletin board screen is to be displayed, the processor first determines whether a corresponding updated screen is in the storage and if so,

retrieves the updated screen for display, and otherwise the processor displays a bulletin board screen stored on the disk (paragraphs [0035] and [0068]).

Regarding claim **9**, Lamkin et al. discloses all the limitations as previously discussed with respect to claim 1 including that the recommendations include DVD releases and theater movie releases (paragraph [0068]).

Regarding claim **10**, Lamkin et al. discloses all the limitations as previously discussed with respect to claim 1 including that the information and recommendations are provided in a language selected by a viewer (paragraph [0148]).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones  
Examiner  
Art Unit 2621

HRJ  
July 21, 2006



THAI TRAN  
PRIMARY EXAMINER